

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERNEST RAY WHOLAVER, JR.,	:	
<i>Plaintiff</i>	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN E. WETZEL, <i>et al.</i> ,	:	
<i>Defendants</i>	:	22-492

ORDER

AND NOW, this 14th day of June, 2022, upon review of the Defendants' Motion to Dismiss (Doc. No. 4) and Plaintiff Ernest Ray Wholaver, Jr.'s Response (Doc. No. 5), it is hereby ORDERED that:

1. The Defendants' Motion to Dismiss (Doc. No. 4) is GRANTED; and
2. If Mr. Wholaver wishes to seek leave to amend his complaint, he must FILE a motion seeking leave to file an amended complaint within 60 days of this Order; after 60 days, this case will be dismissed for failure to prosecute.¹

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ “[T]o request leave to amend a complaint, the plaintiff must submit a draft amended complaint to the court so that it can determine whether amendment would be futile.” *Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 252 (3d Cir. 2007).